

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FITNETE BEGAJ,

Plaintiff,

-against-

TARGET CORPORATION,

Defendant.

DOCKET NO.:

NOTICE OF REMOVAL

Supreme Court,
Richmond County

Index No.:
153478/2018

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TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK:

Defendant, TARGET CORPORATION ("Target"), by its attorneys,
SIMMONS JANNACE DELUCA, LLP, upon information and belief,
respectfully petitions the Court, pursuant to 28 U.S.C. § 1441,
as follows:

1. On or about December 13, 2018, the above-captioned
civil action was commenced and is now pending in the Supreme
Court of the State of New York, County of Richmond, bearing
index number 153478/2018. A trial has not yet been had therein.
A copy of the Summons and Verified Complaint is annexed hereto
as **Exhibit "A."** Target has not yet answered.

2. The action seeks monetary damages for personal
injuries allegedly suffered by plaintiff, Fitnete Begaj on
February 9, 2016, when she slipped and fell inside a Target
store, located at 2873 Richmond Avenue, Staten Island, New York.
The plaintiff's Verified Complaint sounds in negligence.

3. This action involves a controversy between citizens of different states, in that: (a) plaintiff is a citizen of the State of New York; and (b) Target is now, and was at the time the action was commenced, incorporated pursuant to the laws of the State of Minnesota with its principal place of business in Minnesota.

4. Accordingly, there is complete diversity between defendant and plaintiff and this action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332.

5. In addition, the amount in controversy exceeds \$75,000, evidenced by a writing provided by plaintiff's counsel on January 23, 2019. A copy of plaintiff's January 23, 2019 correspondence is annexed hereto as **Exhibit "B."**

6. This notice of removal is being filed within 30 days of Target's receipt of the writing of plaintiff's counsel confirming the amount in controversy exceeds \$75,000.

7. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Richmond promptly after the filing of this Notice.

8. Attached to this Notice, and by reference made a part

hereof, are true and correct copies of all process and pleadings filed herein.

9. By filing this notice of removal, Target does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest in personam jurisdiction, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

10. Target hereby demands a trial by jury on all issues in the above-captioned action.

WHEREFORE, defendant prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of Queens, be removed therefrom to this Court.

Dated: Hauppauge, New York
January 24, 2019

SIMMONS JANNACE DELUCA, LLP

BY: _____

Sal F. DeLuca (sd-2354)

Attorneys for Defendant
TARGET CORPORATION

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